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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,854	07/25/2001	Sachio Nagamitsu	MTS-3264US	6587

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EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/912,854

Applicant(s)

NAGAMITSU ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-4, 6-7, 11-15, 17-18, 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1-4, 6-7, 12-15, 17-18, 25-26, the term "or" renders these claims indefinite.

As per claim 11, it is confusing because it repeats the limitations of claim 10.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roos (US 5,699,276) in view of Johnson (US 6,169,979).

Roos teaches a method and system for providing an interface between a digital network and home electronics, comprising:

As per claims 1-4 and 27-28,

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a power management means for detecting that a user is utilizing an appliance and for measuring the amount of power consumed by said appliance (Abstract; column 4, line 1 – column 5, line 67; column 7, lines 2-62);

a fee charging means for charging a fee for said measured amount of power consumed (Abstract; column 4, line 1 – column 5, line 67; column 7, lines 2-62);

Roos does not teach for purchasing the appliance at a special price, wherein a part of the fee paid is allocated to the manufacturer that has sold said appliance.

Johnson teaches a method and system for a computer-assisted sales system for utilities, wherein rebaits <sup>on energy cost</sup> are provided for purchaing or installation more energy efficient equipment (Abstract; column 5, lines 1-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roos to include purchasing the appliance at a special price, because it would allow a customer to reduce the energy consumption and utility cost.

Claims 5-10, 12-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roos and Johnson in view of Yablonowski et al. (US 6,535,859).

As per claims 5-10, Roos and Johnson teach all the limitations of claims 5-10, except that the additional fee is determined based on information concerning the degree of energy savings resulted from using said appliance.

Yablonowski et al. teach a method and system for charging a fee to an end user, wherein a power saving device is retrofitted into a user's facility, and the fee is

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determined as a function of a difference between the original power consumption and the new power consumption (Abstract; column 7, line 2 – column 8, line 65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roos and Johnson to include that the additional fee is determined based on information concerning the degree of energy savings resulted from using said appliance, because it would stimulate a customer to reduce the energy consumption and utility cost.

As per claims 12-21, Yablonowski et al. teach said method and system, comprising a power management means for detecting that a user is utilizing said mode selectable apparatus in said special price mode (column 9, lines 6-17).

As per claim 22, Roos teaches said method and system, comprising a display means installed in the home of said user, which receives said measurement information prepared by said automatic measurement means and which displays the fee (column 5, lines 30-43).

As per claim 23-26, Roos teaches said method and system, comprising a human body detection means for detecting whether or not a human body is present and a security means for giving notification in order for crime prevention or for disaster prevention based on said detection result (column 9, lines 17-27).

Also, As per claim 23-26, Yablonowski et al. teach said method and system, comprising an energy saving control means for energy saving control based on a human body detection (column 6, lines 35-45).

As per claim 29, Yablonowski et al. teach said method and system, comprising:

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providing a portion of the calculated fee charged to the user to an installer of the power measurement unit (Abstract; column 7, lines 2 – column 8, line 65).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

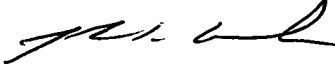
***Washington D.C. 20231***

or faxed to:

**(703) 305-7687** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

SB

  
**JOHN G. WEISS**  
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